

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Before the Examiner:
Benny et al.	:	Osman, Ramy M.
	:	
Serial No.: 09/876,090	:	Group Art Unit: 2157
	:	
Filing Date: June 7, 2001	:	
	:	
Title: ENTERPRISE SERVICE	:	IBM Corporation
DELIVERY TECHNICAL	:	Intellectual Property Law
FRAMEWORK	:	11400 Burnet Road
	:	Austin, Texas 78758
	:	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief having a mailing date of November 15, 2007, with a time for response set to expire on December 15, 2007, Appellants respond as follows:

Appellants Attorney, Bobby Voigt, discussed this Notice of Non-Compliant Appeal Brief with Group Director Jeff Gaffin and SPE Etienne. The Notice of Non-Compliant Appeal Brief indicates that the Appeal Brief submitted on August 28, 2007 does not contain a concise explanation of the subject matter defined in each of the independent claims since it does not include a citation every three or four words in a claim limitation. Both Group Director Jeff Gaffin and SPE Etienne agreed that the Notice of Non-Compliant Appeal Brief was improper and that the Appeal Brief submitted on August 28, 2007 is compliant. There is no requirement that a citation should be made after every three or four words in a claim limitation. M.P.E.P. §1205.02 requires an explanation of the subject matter defined in each of the independent claims involved in the appeal which may include referring to the specification by page and line number as well as to a drawing, if any, by reference characters. Appellants did comply with this section. After each claim limitation, Appellants have made citations to the Specification as well as to the drawings. Further, these citations are concise. Appellants respectfully request that the Notice of Non-Compliant Appeal Brief be withdrawn.

Respectfully submitted,

WINSTEAD P.C.

Attorneys for Appellants

By: 

Robert A. Voigt, Jr.
Reg. No. 47,159

P.O. Box 50784
Dallas, Texas 75201
(512)370-2832